

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BELFOR USA GROUP, INC.,

Plaintiff,

v.

Case Number 12-13966
Honorable David M. Lawson

RAINIER ASSET MANAGEMENT
COMPANY, LLC, SUNWEST RELIANCE
ACQUISITION GROUP, INC.,
EMERSONS COMMERCIAL
MANAGEMENT US, LLC, and
RAINIER SUNWEST PORTFOLIO 1, L.P.

Defendants.

**ORDER DENYING MOTION FOR SANCTIONS AND TO
COMPEL DISCOVERY RESPONSES**

This matter is before the Court on the plaintiff's motion for sanctions and to compel discovery responses. The plaintiff's motion does not indicate whether plaintiff's counsel sought concurrence in the relief requested from counsel for the defendant, as plaintiff's counsel was obliged to do under the local rules. *See* E.D. Mich. LR 7.1(a). In this district, movants must seek concurrence in the relief requested before filing a motion for relief in this Court. E.D. Mich. LR 7.1(a). If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference." E.D. Mich. LR 7.1(a)(2).

The plaintiff does not state in its motion that concurrence was sought from the defendant before filing the motion. “It is not up to the Court to expend its energies when the parties have not sufficiently expended their own.” *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). The plaintiff has filed its motion in violation of the applicable rules. Therefore, the Court will deny the plaintiff’s motion.

Accordingly, it is **ORDERED** that the plaintiff’s motion for sanctions and to compel discovery responses [dkt. #17] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 26, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 26, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL